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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

MARCH 10, 2011

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, March 10, 2011. The meeting was convened in accordance with the schedule filed with the Secretary of State and was conducted in accordance with the provisions of the Open Public Meeting Act, Chapter 321, P.L. Notice of the meeting was prepared in the office of the Board and mailed on September 2, 2010 to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press and the Trenton Times. Board Chair William Nichols called the meeting to order at 9:45 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo	Present
Paul M. Desbiens	Present
Waheed Khalid	Present
June Nikola	Absent
William Nichols	Present
Jeffrey S. Kasko	Present
Michael Ticktin	Present

Also, in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board; Deputy Attorney General Nancy Costello-Miller (Executive Session only) substituting for Deputy Attorney General John Hugelmeyer; and Ellen Green, Board Secretary.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 13, 2011

A motion was made by Michael Ticktin and seconded by Waheed Khalid to approve the Public Session Meeting Minutes of January 13, 2011 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. INVESTIGATIVE INQUIRY

Jason Freund, Mount Olive Union Cemetery (CA #385)

A motion was made by Lawrence Colasurdo and seconded by Paul Desbiens to move into Executive Session for an Investigative Inquiry regarding Mount Olive Union Cemetery. A vote was taken and the motion was passed by a unanimous vote.

III. OLD BUSINESS

A. Application for a Certificate of Authority

Layton Cemetery Association

Due to the financial condition of Layton Cemetery Association the cemetery requested a waiver of the \$500.00 Certificate of Authority application fee when it submitted its application. The Board held its decision until all requirements for a Certificate of Authority were met. A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to grant the waiver. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board Meeting agendas.

B. Hoboken Cemetery (CA #183)

This matter will be carried over pending notification of the establishment of a Board of Trustees for the cemetery.

C. Old Cemetery Improvement Association (CA #207)

Old Cemetery Improvement Association has forwarded to the Board proof of the establishment of 3 separate accounts which have been set up in accordance with the Board's direction. This matter is now closed and removed from future Board Meeting agendas.

D. Application for lease of cemetery property

1. Fairview Cemetery (CA #75) to T-Mobile Northeast, LLC

Board member June Nikola conducted an on site inspection of the area at Fairview Cemetery for the establishment of a cell tower and has reported her findings to the Board. Upon review of the documentation provided as well as the on-site inspection report, a motion was made by Michael Ticktin and seconded by Paul Desbiens to approve the lease agreement between Fairview Cemetery and T-Mobile Northeast, LLC. A vote was taken and the motion was passed by a unanimous vote. It should be noted that the town has not yet given its approval but when it does the cemetery will have the Board's approval. The approval is given with the understanding that 15% of the money received from the lease payment will be deposited into the cemetery's Trust Fund. This matter is closed and removed from future Board Meeting agendas.

2. Elmwood Cemetery Association of the City of New Brunswick, (CA #90) to T-Mobile Northeast, LLC

The Board has received an application from Elmwood Cemetery Association for the lease of a portion of its property to T-Mobile Northeast, LLC for the establishment of a cell tower. An on-site inspection of the area of the lease was conducted by Board member June Nikola. Upon review of the documentation provided as well as the on-site inspection report, a motion was made by Waheed Khalid and seconded by Lawrence Colasurdo to approve the application for the lease of a portion of Elmwood Cemetery lands to T-Mobile Northeast, LLC for the establishment of a cell tower. A vote was taken and the motion was passed by a unanimous vote. The approval is given with the understanding that 15% of the money received from the lease payment will be deposited into the cemetery's Trust Fund. This matter is closed and removed from future Board Meeting agendas.

E. Withdrawal of money from the principal of the Trust Fund
Re: Jersey State Memorial Park

Waheed Khalid was recused from this matter and moved away from the table.

Through the audit of the cemetery's 2009 and 2010 Annual Reports, it was discovered that a total of \$32,500.00 had been withdrawn from the corpus of the cemetery's Trust Fund. A letter was sent to Anthony Spano, President, Jersey State Memorial Park directing him to deposit the \$32,500.00 to the Trust Fund within 45 days of the receipt of the letter. Mr. Spano has written back to the Board requesting that the Board waive what he calls a technical violation of cemetery law. The Board is not in agreement with Mr. Spano's explanation for the money being withdrawn. The Board will ask George Booktor, Board accountant to conduct an audit of the cemetery's annual reports from 2004 to present. This matter will be carried over.

F. Problems in filing of Annual Reports
Re: Jacobstown Baptist Cemetery Association (CA #150)

Correspondence was sent to Dr. David A. Meirs, II, President of Jacobstown Baptist Cemetery Association advising him to provide bank statements for the years 2007-2009 as well as that for 2010; asking if the cemetery restricts burial; and advising that the Maintenance and Preservation Trust Fund must be re-titled in the name of the cemetery. The Board has received a response from Mr. Meirs, II stating that this cemetery will soon forward everything the Board has requested. A motion was made by Michael Ticktin and seconded by Paul Desbiens to give the cemetery a May 1, 2011 deadline to provide the requested documentation. This matter will be carried over.

IV. NEW BUSINESS

A. Approval of Bulk Sales

Jewish Federation of Rockland County, Riverside Cemetery, Saddle Brook, NJ, (CA #189) to the Temple Beth Torah, Upper Nyack, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 144 interment spaces for \$49,140.00 (\$341.25 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Riverside Cemetery.

Vogel Brotherhood, Ramsey, NJ, Beth Israel Cemetery, Woodbridge, NJ, (CA #1) to the Congregation Beth Israel, Scotch Plains, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 28 interment spaces for \$8,400.00 (\$300.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery.

The Workmen's Circle, Fidelity Cemetery Association a/k/a Beth El Cemetery, Washington Township, NJ (CA #23) to the Temple Beth Sholom, Livingston, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 176 interment spaces for \$70,400.00 (\$400.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Fidelity Cemetery Association.

B. Withdrawal from the Maintenance & Preservation Trust Fund
Re: Odd Fellows Cemetery (CA #39)

Through the audit of Odd Fellows Cemetery's 2010 Annual Report, Board accountant George Booktor discovered that \$29,510.87 was withdrawn from the corpus of the cemetery's Trust Fund. Mr. Booktor questioned the cemetery and was advised that the bank that holds the Trust Fund distributed the money as capital gain distribution. The cemetery spent all of the money. David L. Eckman, President, Trustee, Odd Fellows Cemetery has written to the Board with an explanation as to how the cemetery proposes to repay the funds to the Maintenance and Preservation Trust Fund. Mr. Eckman stated that they have no other option but to liquidate a portion of the Mausoleum Building Fund and transfer it in a lump sum to the principal of the Trust. Upon review a motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the cemetery's proposal. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board Meeting agendas.

C. Withdrawal from the Maintenance & Preservation Trust Fund
Re: Greenville Cemetery Association (CA #282)

Through the audit of Greenville Cemetery's 2010 Annual Report, Board accountant George Booktor discovered that \$4,561.00 was withdrawn from the corpus of the Trust Fund. Mr. Booktor questioned the cemetery and Ronald Vogel, Treasurer advised that the cemetery had extra ordinary expenses this past year for damages. The cemetery thought that the expenses incurred to preserve the cemetery to its normal conditions were a permitted expense from the Trust Fund. Mr. Vogel will be advised that money cannot be withdrawn from the corpus of the Trust Fund and that the money must be re-deposited to the Trust. The cemetery will be asked to provide to the Board a plan to re-pay the \$4,561.00 to the Fund. This matter will be carried over.

D. Correspondence from David Fischer, President & Cecilia Fischer, Secretary, Hayes Riverview Cemetery (CA #265)
Re: Future of the cemetery

David R. Fischer, President and Cecilia N. Fischer, Secretary Hayes Riverview Cemetery wrote to the Board regarding the future of the cemetery. The cemetery was established as a family cemetery and has been maintained by decedents of Elizabeth Hayes. The last interment at the cemetery was in 1994. Due to the financial condition of the cemetery, soon the family will no longer be able to maintain the cemetery. The Fishers asked if it is possible for them to withdraw money from the corpus of the cemetery's Trust Fund. Also, they asked if this is a possibility, would the cemetery become the property of the state. The Board will advise the Fischers what the responsibilities of the cemetery's Trustees are and that they can not just walk away from the cemetery. They will also be advised that the cemetery would not become property of the state.

E. Correspondence from Peter J. Van Dyke, Esquire
Re: Riverside Cemetery (CA #43)

Peter J. Van Dyke, Esquire representing Riverside Cemetery has written to the Board on behalf of the cemetery. Mr. Van Dyke advises that the Trustees of the Cemetery are contemplating dissolution due to the poor financial condition of the cemetery. He states the current income is insufficient to keep the cemetery operating. Mr. Van Dyke is looking for advice and guidance from the Board. The Board will ask Mr. Van Dyke and members of the Cemetery's Board of Trustees to come to the April 14, 2011 Board meeting to discuss the cemetery's options and the responsibilities of the Trustees. This matter will be carried over.

F. Assembly Bill, No. 3851

Assembly Bill, No. 3851 was forwarded to the Board for review and comment. The Board choose not to comment.

G. Fiscal Year 2011 Budget Report (1st Half)

The Board reviewed the 1st half of its Fiscal Year 2011 Budget Report. The Board's account is considered to be okay.

**H. Request for withdrawal of money from the M&P Trust Fund
Re: The Fairview Cemetery (CA #75)**

Nicholas Barbato, President, Fair View Cemetery has written to the Board requesting approval to withdraw money from the corpus of the cemetery's Trust Fund to pay off a loan debt, which is from the construction of the cemetery's third mausoleum. The Board will advise Mr. Barbato that the Trust Fund is an irrevocable one and as such money cannot be withdrawn from its principal. This matter is closed and removed from future Board Meeting agendas.

I. New Jersey Cemetery Association's Annual Convention

Executive Director Dianne L. Tamaroglio asked the Board for its approval for her to attend the New Jersey Cemetery Association's Annual Conference to be held May 11 & 12, 2011 in Atlantic City, New Jersey. A motion was made by Lawrence Colasurdo and seconded by Michael Ticktin to grant the requested approval. A vote was taken and the motion was passed by a unanimous vote.

V. DISCIPLINARY MATTER REPORTED FROM EXECUTIVE SESSION

Final Order of Discipline issued to Bergen Crest Mausoleum (CA #144) for violation of NJAC 13:44J-15.3

Final Order of Discipline was issued to Bergen Crest Mausoleum regarding the general condition of the old wing of the mausoleum. The Final Order instructed Bergen Crest Mausoleum to submit plans for the restoration of the Schrimper Crypt to its original condition. There has been no response from the cemetery to the Final Order. This matter will be carried over.

VI. FOR YOUR INFORMATION

A. Issuance of Certificate of Authority #417 to Layton Cemetery Association

B. Notification in New Jersey Register

Proposed Readoption: N.J.A.C. 13:45C

Proposed Readoption: N.J.A.C. 13:44J

C. Legislative Report 4th quarter

D. Notification of Civil Action

**Fairview Mausoleum Co., et als. V PNC Bank, N.A., et als.
Docket No.: BER-L-10286-10**

**Fairview Mausoleum Preservation and Maintenance Fund
Docket No.: BER-L-10286-10**

**Fairview Mausoleum Preservation & maintenance Fund v. PNC Bank N.A., et als
Docket No.: BER-L-10286-10; Motion returnable 2/4/11**

**Fairview Mausoleum Co., et als. V. PNC Bank, N.A., et als.
Docket No.: BER-L-10286-10**

**Fairview Mausoleum Co., et als. V PNC Bank, N.A., et als.
Docket No.: BER-L-10286-10**

**Nelly Mejia, Plaintiff v RTI Donor Services, Inc.; RTI Biologics, Inc. f/k/a/
Regeneration Technologies, Inc.; New York Mortuary Services, Inc.; Liberty
Grove Memorial Gardens Crematory; Biomedical Tissue Services, Ltd.;
Michael Mastromarino; John Doe Corporations 1-10 and John Doe individuals
1-10, Defendants
File No. DWM 10836**

E. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes October 5, 2010

Open Session Meeting Minutes October 26, 2010

F. Newspaper/Internet/ Magazine Articles

**For sale: 2 bedroom/2 bath/ grandma scattered in backyard
ICCFA magazine January, 2011**

**Funeral homes nationwide find new life by hosting other events
Daily Record January 19, 2011**

**Authorities: Stolen human remains from 2 Middlesex cemeteries could be
rituals of religious cult
NJ.com January 24, 2011**

The above matters were considered informational to the Board requiring no discussion or decision making.

Len Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery and Washington Cemetery Management Company wished everyone present a Happy St. Patrick's Day.

VIII. ADJOURNMENT

A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to adjourn Public Session at 10:20 A.M. and move into Executive Session at 11:30 A.M.. A vote was taken and the motion was passed by a unanimous vote. The Board moved into Executive Session to discuss the following matters involving investigations and/or violations of the Board's regulations:

- 1. Three (3) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Six (6) matters where additional information has been submitted to the Board pending investigations.*

The substance of these investigations shall remain confidential until disclosure is permitted by law. Board action arising from such discussions will be made public at such time official action is taken on these matters, if permitted by law. A motion was made by Waheed Khalid and seconded by Michael Ticktin to adjourn the Board meeting of March 10, 2011. A vote was taken and the Board meeting was adjourned at 12:20 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*